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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,491	01/18/2005	Frank Dumont		2379

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Joseph S Tripoli  
Patent Operations  
Thomson Licensing Inc  
PO Box 5312  
Princeton, NJ 08543-5312

EXAMINER
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CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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12/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,491	<b>Applicant(s)</b> DUMONT ET AL.	
	<b>Examiner</b> NIGAR CHOWDHURY	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 12, 13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12, 13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 09/15/2009 have been fully considered but they are not persuasive.
2. In re pages 4-5, applicant argues that Logan discloses a time delayed digital video system using concurrent recording and playback. By the Office Action, the tuner of Watkins would be replaced by the analog tuner of Logan which provides the analog signal. Applicant respectfully submits that this would not produce an operable device. Applicant also argues that "by replacing the tuner of Watkins with the analog tuner of Logan, the first video decoder would require that the first video signal is analogue to digital converted and ....."

In response, the examiner respectfully disagrees. Logan discloses from col. 4 lines 19-22 that "The RF tuner....under the control of a microcontroller....selects one or more available incoming video signals and transmits the selected analog video signals to an analog-to-digital converter.." Logan discloses a RF tuner which can select one or more available incoming video signals and transmits the selected analog video signals to an analog to digital converter to convert signals into digital format. Therefore, the tuner of Watkins is replaced by the tuner and converter of Logan which will provide digital signal.

Furthermore, applicant argues that Iwasaki discloses a synchronizing signal generator for providing synchronizing signal to MPEG decoder and video encoder.

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Iwasaki shows a synchronizing signal generator that generates the synchronizing signal but Iwasaki fails to disclose a video decoder that generates a synchronizing signal.

In response, the examiner respectfully disagrees. Claim limitation does not say a video decoder that generates a synchronizing signal, claim limitation is “video decoder provides a synchronizing signal to the digital decoder”. Iwasaki discloses from col. 1 lines 41-52 that “...the playback signal ... is processed by the signal processing circuit ...is supplied to the MPEG decoder.....decoder ...is operative on the synchronous signal...decodes the essential part into a digital video signal....digital signal is supplied to the video encoder....” Iwasaki discloses a decoder provides a synchronizing signal through the synchronizing signal generator to the digital decoder of Watkins.

3. Claims 2-5, 12-13 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

4. Claims 15-22 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 12-13, 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,111,319 by Watkins in view of US 5,371,551 by Logan et al. and US 6,154,604 by Iwasaki.

6. Regarding **claim 1**, Watkins discloses video apparatus comprising:

- a digital decoder for decompressing compressed digital data and for generating a first digital stream (fig. 1 (164), col. 2 lines 49-col. 4 lines 9);
- a video source of a first signal (fig. 1 (140b), col. 1 lines 16-17, col. 2 lines 49-col. 4 lines 9);
- a video encoder (fig. 1 (108), col. 2 lines 49-col. 4 lines 9);
- a first video decoder connectable to the video source for generating a second digital stream based on the first signal (fig. 1 (164 of 102b), col. 2 lines 49-col. 4 lines 9);
- mixing means coupled to the first video decoder and to the digital decoder able to mix the second digital stream and the first digital stream into an output digital stream to the video encoder (fig. 1 (104), col. 2 lines 49-col. 4 lines 9).

Watkins fails to disclose a video source of a analogue signal and the first video decoder provides a synchronizing signal to the digital decoder.

Logan discloses a video source of an analogue signal (fig. 2, col. 4 lines 19-22)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Watkins's system to include

an analogue signal, as taught by Logan, is any continuous signal for which the time varying feature of the signal is a representation of some other time varying quantity.

Watkins and Logan both fail to disclose the first video decoder provides a synchronizing signal to the digital decoder.

Iwasaki discloses the first video decoder provides a synchronizing signal to the digital decoder (fig. 1, col. 1 line 41-52).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Watkins and Logan's system to include a synchronized signal, as taught by Iwasaki, for having better quality of video with audio while watching.

7. Regarding **claim 2**, Watkins discloses video apparatus wherein a digital encoder (fig. 1 (132a,162, 160, 166)) generates a third digital stream based on a second analog signal (Logan, fig. 2, col. 4 lines 19-22) and wherein the digital encoder is connectable to the digital decoder (fig. 1 (164)) for transmitting third digital stream to the digital decoder (col. 2 lines 49-col. 4 lines 9).

8. Regarding **claim 3**, Watkins discloses video apparatus wherein the digital encoder includes a video decoder (fig.1 (132a)) for digitising the second analogue signal (Logan, fig. 2, col. 4 lines 19-22).

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9. Regarding **claim 4**, Watkins discloses video apparatus wherein the digital encoder and the digital decoder are linked via a digital selector (fig. 1 (162), (col. 2 lines 49-col. 4 lines 9)).

10. Regarding **claim 5**, Watkins discloses video apparatus wherein the digital selector is connected to a medium interface (fig. 1 (114)).

11. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 4 above.

12. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 5 above.

13. **Claim 15** is rejected for the same reason as discussed in the corresponding claims 1 and 2 above.

14. Regarding **claim 16**, Watkins discloses video apparatus wherein the video encoder outputs an output analogue signal based on said output digital stream (fig. 1 (108), col. 3 lines 43-46).

15. **Claim 17** is rejected for the same reason as discussed in the corresponding claim 5 above.

16. **Claim 18** is rejected for the same reason as discussed in the corresponding claim 5 above.

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17. **Claim 19** is rejected for the same reason as discussed in the corresponding claim 5 above.

18. **Claim 20** is rejected for the same reason as discussed in the corresponding claim 5 above.

19. Regarding **claim 21**, Watkins discloses video apparatus wherein the medium interface is connectable to the digital switch for outputting to digital switch a digital stream based on data retrieved from said medium (fig. 1 (104), col. 2 lines 49-col. 4 lines 9).

20. **Claim 22** is rejected for the same reason as discussed in the corresponding claim 21 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC  
12/04/2009

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621